



*Forest County Potawatomi Community*  
*P.O. Box 340 • Crandon, Wisconsin 54520*

December 19, 2016

Matthew Didier  
EPA Region 5 Brownfields Coordinator  
77 West Jackson Boulevard  
Mail Code SE-7J  
Chicago, IL 60604-3507

Re: FY2017 EPA Brownfields Assessment Grant Application  
Forest County Potawatomi Community, Crandon, Wisconsin

The Forest County Potawatomi Community (FCPC) is respectfully submitting an application for the FY2017 EPA Brownfields Assessment Grant. Per the *FY17 Guidelines for Brownfields Assessment Grants*, the required information for this letter is detailed below and the Regional Priorities/Other Factors Form is attached.

- a. Applicant Identification: Forest County Potawatomi Community  
5416 Everybody's Road  
P.O. Box 340  
Crandon, WI 54520
- b. Applicant DUNS Number: 119558591
- c. Funding Requested:
  - i. Grant Type - Assessment Grant
  - ii. Federal Funds Requested - \$175,000; no waiver requested
  - iii. Contamination - Comingled Hazardous Substance and Petroleum Contamination
  - iv. Site Identification - Site-Specific
- d. Location: City of Milwaukee, Menomonee Valley neighborhood, Milwaukee County, WI
- e. Site Specific Information: Former Cargill Meat Solutions Corporation  
1901 West Canal Street  
Milwaukee, WI 53233

The Forest County Potawatomi Community has recently purchased the above-named property. FCPC has not determined a distinct name for the property as it is pending usage and redevelopment.

f. Contacts:

i. Project Director

Sara M. Drescher, Attorney  
FCPC  
313 North 13th Street  
Milwaukee, WI 53233

Phone: (414) 847-7750  
Direct Dial: (414) 292-3614  
Fax: (414) 847-7721  
Email: Sara.Drescher@fcpotawatomi-nsn.gov

ii. Highest-Ranking Elected Official

Harold Frank, Tribal Chairman  
5416 Everybody's Road  
P.O. Box 340  
Crandon, WI 54520

Phone: (715) 478-7200  
Email: Gus.Frank@fcpotawatomi-nsn.gov

g. Date Submitted: December 22, 2016

h. Project Period: The entirety of the project is estimated to take no more than nine months. Pending receipt of an award, the breakdown of activities includes:

- Create and RFP and contractor procurement: 6 weeks
- Field work: 4-7 weeks
- Data analysis and reporting: 6-9 weeks
- Remedial planning: 4 weeks
- Additional sampling and reporting periods: 3 months

i. Population: The City of Milwaukee's total population is 596,974. The population of the areas most impacted by the proposed site totals 7,993 people.

j. Regional Priorities Form/Other Factors Checklist: See attached

The Menomonee Valley has been home to a multitude of industrial and manufacturing business entities. While historically providing the area with employment, these businesses are generally known to be associated with environmental contamination. The result has been pollution, contamination, closing industries and loss of jobs. The requested grant funding will support FCPC's brownfields assessment efforts, ultimately serving to revitalize and redevelop the contaminated site.

Thank you for your consideration of this request. If you have any questions or need additional information, please contact Ms. Sara Drescher, FCPC Attorney, at (414) 292-3614.

Sincerely,

Harold Frank, Tribal Chairman  
Forest County Potawatomi Community

## **Narrative Proposal: Assessment Grant Ranking Criteria**

### **1. Community Need:**

#### **a. Targeted Community and Brownfields**

##### **i. Targeted Community Description**

The Tribe's proposed project site is in Milwaukee, Wisconsin within the Menomonee Valley. The City of Milwaukee is the largest city in Wisconsin and is situated in the southeast corner of the state along Lake Michigan. The City has faced significant challenges in light of its extensive manufacturing and industrial history. Milwaukee has been home to a swath of tool and die, paint and glass manufacturers, tanneries, stock yards and similar industry. The Redevelopment Authority of the City of Milwaukee (RACM) has estimated over 300 acres of current brownfields properties, over 150 tax delinquent properties and additional neighborhood concerns such as drycleaners and gas stations within the City. In the early 1900's, Milwaukee was known as the "machine shop of the world" with the Menomonee Valley (Valley) being at the heart of that industrial boom.

The Valley is positioned just south of I-94 and spans approximately 1,200 acres extending from Miller Park on the west side of the Valley to the 6<sup>th</sup> Street Viaduct and the Harley Davidson Museum on the east side. It is situated within the Milwaukee Estuary, a Great Lakes Area of Concern. Originally, the Valley was a vast marsh area at the confluence of the Menomonee and Milwaukee Rivers and Lake Michigan. It was home to native tribes, including the Potawatomi, who found the area to be rich in wildlife and natural resources. The Valley is still surrounded by "bluffs" or higher elevations which offer expansive views across the area. The integrated nature of the Valley and its rivers near the shore of Lake Michigan continues to pose unique challenges and opportunities.

As European settlers arrived, the City grew and the needs of the area changed. Rail was introduced in the area as exports via Lake Michigan became a more substantial part of the local economy. With the introduction of rail, the Valley was quickly filled, in some areas by more than twenty feet, to support industrialization. Similarly, along Lake Michigan, shipping traffic and nearby manufacturing began to take their toll on Lake Michigan and the Great Lakes System.

The Valley has been the home to a host of manufacturing, industrial and business entities generally known to be associated with environmental contamination. While the area provided the City with jobs, the concentrated nature of the heavy industry that existed for decades and unique geography of the area has resulted in significant impacts. Initially, residential neighborhoods for the many skilled workers needed in those plants grew adjacent to the periphery of the Valley. However, as pollution, contamination, and nuisance smells increased, transportation structures shifted and industries closed; the Valley and those nearby neighborhoods suffered. Portions of the Valley were left blighted with abandoned and contaminated land as well as vacant industrial buildings. The nearby neighborhoods have deteriorated and now house some of the City's poorest populations.

Revitalization efforts for the Menomonee Valley have been an ongoing concern for many public and private entities with efforts culminating in partnerships and groups such as the Menomonee Valley Partners (MVP). These efforts help to reinforce the locational importance of the Valley

to the City and Southeast Wisconsin as a whole, as well as the many challenges faced with alleviating concerns related to brownfields properties. In collaboration with many stakeholders like MVP and specific area businesses, the City of Milwaukee developed the Menomonee Valley Plan in 1998 and an update in June, 2015<sup>1</sup>. The Plan highlights the continued needs for the area and supports the ideals of brownfields reuse and redevelopment.

As part of the Plan's revision in 2015, a comprehensive Market Study was performed and offers promising insight into the continued role of the Valley as a business center for the City. The industry and labor analysis suggests that continued revitalization efforts are immediately important to take advantage of the improvements in the economy. Manufacturing continues to remain important to Milwaukee and the Valley, but the Valley also offers opportunity in food preparation, arts, entertainment, hospitality and other growing sectors. Furthermore, the analysis shows that the majority of workers working within the Valley live in the areas immediately south of the Valley (Census Tracts more fully discussed below).

The challenge lies in the nature of the Valley and the high instance of contamination. For example, it is not an exaggeration that almost every address in the 1200 acre Valley has a file with Wisconsin Department of Natural Resources (WDNR). A view of the Remediation and Redevelopment Sites Map <http://dnrm.wisconsin.gov/H5/?viewer=rrsites>, shows the volume of environmental concern within the area.

While the Valley is faced with significant environmental impacts from decades of poor industry practices, market indicators show that continued investment and environmental remediation should be well rewarded. Environmental assessment in the Valley continues to be of critical importance and is the first step in promoting a revitalized Valley, nearby neighborhoods and an improved Milwaukee Estuary.

## ii. Demographic Information

	CENSUS TRACT <sup>2</sup> 186800 Target tract	CENSUS TRACT 15700 Nearest tract	CENSUS TRACT 15800 Nearest tract	City of Milwaukee <sup>3</sup>	State of Wisconsin	National <sup>4</sup>
POPULATION	1,614	3,321	3,058	596,974	5,757,564	311,536,594
UNEMPLOYMENT				10.5%	5.3%	5.3% <sup>5</sup>
POVERTY RATE	55.56%	48.49%	39.64%	29.1%	13%	11.3%
PERCENT MINORITY	66.5%	88.6%	86.3%	69%	17%	36.7%

<sup>1</sup> [http://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/planning/plans/Menomonee-Valley/MV2.0Exec\\_Sum1.pdf](http://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/planning/plans/Menomonee-Valley/MV2.0Exec_Sum1.pdf)

<sup>2</sup> All census tract data is from [www.census.gov/www/usa.com](http://www.census.gov/www/usa.com), <http://www.census.gov/www/usa.com/WI079186800.html>, <http://www.census.gov/www/usa.com/WI079015800.html>, and <http://www.census.gov/www/usa.com/WI079015700.html>.

<sup>3</sup> City and State data are from <http://quickfacts.census.gov/qfd/states/55/5554000.html?cssp=serp>.

<sup>4</sup> Data are from the 2009-2013 American Community Survey and are available on American Fact Finder at [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_13\\_5yr\\_DP03&src=pt](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_5yr_DP03&src=pt).

<sup>5</sup> Data are from the Bureau of Labor Statistics and are available at [www.bls.gov](http://www.bls.gov).

MEDIAN INCOME	\$14,417	\$23,309	\$28,214	\$35,467	\$52,413	\$53,046
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### iii. Description of Brownfields

Forest County Potawatomi Community recently purchased the Cargill Meat Solutions Property (Property or Site) located at 1901 W. Canal Street. The Property is adjacent to the Potawatomi Bingo Casino, across from the FCPC Renewables, LLC Biodigester to the west, and the Marquette University Athletic fields to the north. The property is central within the Valley and is currently vacant, having ceased meat packing operations in 2014. The site has been actively used, buildings have been added to and processes have changed over the property's history. Remaining at the site are several buildings, including a large plant, animal pens, barns and harvest areas. The Property was used for meat processing for over seventy years and, prior to purchase, FCPC completed Phase I and Phase II Site Assessments. There are also historical assessment documents associated with the Site. The site assessments discuss several concerns, including the general nature of the area, neighboring businesses, and the site history. The site assessments suggest several defined areas within the site and recognized environmental concerns including:

- Recognized environmental conditions are associated with industrial and manufacturing activities that permeated the Valley, with respect to the site's location in the Valley;
- Historical and site use, including two former railroad spurs, a former motor freight station, a truck repair facility, USTs, a metal fabrication shop. Due to the absence of historical environmental management and the confirmed presence of contaminants, the past uses represent a recognized environmental condition;
- An area-wide ground water initiative is still active for Cargill as purchaser of Peck Foods, although perceptions that this doesn't tie specifically to the property groundwater concerns throughout the area have been noted;
- The Property housed a former electrostatic coatings operation;
- An industrial boneyard where old and obsolete industrial equipment was abandoned with oil staining observed on the surface;
- Historical documentation of "poor housekeeping" with respect to hazardous waste management;
- Described process water discharges without proper outflows;
- The use of hazardous chemicals on site;
- The potential for residual contamination extending from properties to the East;
- Remnants of oil, grease, solvents, degreasers, gasoline, diesel fuel, kerosene, and inorganic constituents were identified in samples collected in the Phase II Site Assessment;
- Former UST areas may be contaminated with benzene and naphthalene above their respective Residual Contaminant Levels;
- PAHs were detected in all soil samples collected across the site;
- Metals were detected in all soil samples collected across the site;
- Although results have not been duplicated, a pre-construction site evaluation indicated lead in a concentration of 5,300 mg/kg in 2004; It is likely that demolition of the existing structure would result in the need for remediation should the soil beneath the building be exposed and test results duplicated; and,

- Methane and sub-slab vapor concerns.

The extent of impacts has not been wholly defined, but there are currently no active state or Tribal actions compelling clean-up. While samples indicate that problems may exist, the nature and the extent must be assessed. In addition, the proximity of the site to other properties with recognized environmental conditions is a significant concern. The nature of off-site impacts needs to be assessed. Ultimately, assessment will result in the creation of a redevelopment plan.

#### **iv. Cumulative Environmental Issues**

The Menomonee Valley was home to a condensed collection of manufacturing properties for decades. The cumulative impacts are significant. For example, PAHs are prevalent throughout the Valley and thought to relate to a former coal storage yard and coking operation. Similarly, unregulated fill material was used in the early 1900s to raise ground levels. The fill was reinforced indiscriminately for decades with whatever waste materials were available. The WDNR has been managing an area-wide groundwater initiative since 1993 which is indicative of the cumulative effects of a number of properties within the area.

In addition to the impacts from manufacturing, there are several other factors which add to the cumulative environmental issues. The Valley is located directly within the Milwaukee transportation corridor. Rail, interstate, major thoroughfares, and shipping occur within or immediately around the Valley. The condensed nature of the manufacturing facilities, transportation related emissions, and the contained geographic nature of the area have impacted air quality. Another source of air emissions, and potentially soil impacts, is the Valley Power Plant which has been in operation for over fifty years. Although the Valley Power Plant recently changed to natural gas, the coal fields were a constant component of the landscape and contributed to environmental impacts in the area. Arguably, runoff has impacted the groundwater and soil conditions in the area. There is substantial evidence of the prevalence of PAHs throughout soil in the Valley.

Cumulative impacts from unchecked disposal practices to the Menomonee and Milwaukee Rivers as well as the channels dug from the original wetlands have resulted in sediment contamination, rivers that cannot support wildlife, and degradation of Lake Michigan via the Milwaukee Estuary. The proposed project Site lies in the Milwaukee Estuary, contributing to these evident environmental concerns and impacts.

#### **b. Impacts on Targeted Community**

It has been established that exposure to contaminants commonly found in brownfields sites is one of the factors for disease and adverse health effects. These adverse health effects can include asthma and other airway/exposure diseases, high blood contaminant levels (e.g. lead), carcinogen exposure, low birth weights and developmental problems in children, nervous system and kidney problems, and other serious effects.<sup>6</sup> Brownfields remediation efforts can reduce risks associated with contaminants by reducing the possibility of exposure.<sup>7</sup>

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<sup>6</sup> <http://wisconsinwatch.org/2012/09/recession-worsens-brownfields-backlog-in-wisconsin/>

<sup>7</sup> See e.g. An Indicator Framework to Measure Effects of Brownfields Redevelopment on Public Health, *Journal of Environmental Health*, vol.76, 1 (2013).

The Valley is a critical area of Milwaukee based on location alone; it has been pivotal in the economics of the area. Residential areas developed on the bluffs surrounding the Valley as workers flocked to the area for jobs. As indicated in the demographics section, the populations around the Site are sensitive groups because they are low income, minority populations that have depended on jobs within the area and are now beholden to the poor conditions that remain. Environmental justice concerns further exacerbate the need for assessment, remediation and redevelopment in the area. The neighboring communities are disproportionately impacted due to the confined nature of Valley contaminants and historical site uses. Although the Valley continues to redevelop, the costs associated with long-term contamination are extensive. Area residents were faced, first, with the flight of jobs, further limiting economic growth and recovery in a minority, low-income community; and second, with the remnants of vacant, dilapidated buildings, blighted properties, real or perceived contamination and limitations on the use of properties based on the pervasiveness of pollutants.<sup>8</sup>

### **c. Financial Need**

#### **i. Economic Conditions**

The Forest County Potawatomi Community has an extensive history of undertaking environmentally beneficial activities. The Tribe's environmental mission statement provides, in part, that, "We resolve to reduce our own environmental impacts and take steps to remedy the impact of others." To engage in these activities requires substantial financial means. Although the Tribe has recently improved its financial condition, it was historically one of the poorest tribes in the Midwest. The Tribe uses proceeds from its successful gaming operations to fund environmental projects aimed at improving brownfields sites and providing resources for both its members and the general public. However, the expense of these projects significantly limits the Tribe's ability to undertake all of the necessary projects which will allow the Tribe to continue to provide for its members and the community as a whole. Additionally, the Tribe owes a duty to its members to be cost-effective and preserve funds for all necessary Tribal programs, including health and wellness, energy, natural resource management, utilities, elder care, and other governmental functions. The Tribe's obligations to its members restrict its ability to more immediately carry out certain projects, and, without EPA grant funding, the necessary site assessment cannot be performed in 2016.

The expense of these accumulated projects severely limits the abilities of FCPC and others to continue to meet development and job creation goals in the Valley. In addition to the specific challenges and associated expenses that FCPC and others have within the Valley, southeastern Wisconsin and Milwaukee have confronted a number of economic challenges. The City historically faces an unemployment rate above the national average and a median household income far below the national average. In recent months, the area has lost over 3,000 jobs with companies such as GE, Oscar Mayer, Tyson, Johnson Controls, Joy Global Surface Mining, Assurant Health, Wells Fargo, Sealed Air Corporation and others leaving the area. Notably, the Department of Workforce Development shows over 25 layoff events in Southeast Wisconsin alone. Counteracting these layoffs and creating opportunities for growth in the Menomonee Valley is essential to the City's and State's economic recovery.

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<sup>8</sup> <http://wisconsinwatch.org/2012/09/recession-worsens-brownfields-backlog-in-wisconsin/>

## **ii. Economic Effects of Brownfields**

The economic effects of the Menomonee Valley brownfields stem both from the original plant closures and the continued need for funds to remediate and redevelop the properties. City planners and redevelopment authorities recognize a need for a limit to the number of vacant and underutilized properties in an area. Generally, there is a perception that vacancy feeds itself leading to further neighboring vacancies and a lack of development in an area.

As discussed in the demographic information, the economy in the Milwaukee area continues to be depressed with poverty indicators above the national average. The neighborhoods immediately adjacent to the Menomonee Valley, once home to the swaths of workers needed for Valley businesses, are now significantly poorer. The Menomonee Valley Comprehensive Plan recognizes the role these neighborhoods used to play and the impact the lack of jobs within the Valley has had on these populations.<sup>9</sup> Because Valley workers tend to live in the neighborhoods immediately south of the Valley, redevelopment of Valley properties is key to reestablishing livable incomes within those neighborhoods.

Although there is no immediate enforcement action, FCPC takes seriously its responsibility to its visitors, area workers and the nearby residential communities. Consequently, the Site is fenced to limit access, exposure, risks, and to prohibit unauthorized entry to the buildings. FCPC invests security resources to electronic monitoring of the property and frequent patrolling to ensure that unauthorized access does not become problematic. Additionally, because of methane buildup sub slab and a non-operational fire suppression system, the buildings, and site generally, are considered “uninsurable” for an extended period of time. FCPC continues to use significant resources to ensure site safety, maintenance, pest control and control of environmental runoff. On average, the Tribe spends over \$2,000 per month on these costs. Demolition of site structures is necessary to both ensure safety and increase the usability of the Property. The Site Assessment is an important first step in encouraging development on this property and future development within the Valley.

## **2. Project Description and Feasibility of Success**

### **a. Project Description, Project Timing and Site Selection**

#### **i. Project Description**

A Site Investigation at the Property will include creation of a site specific work plan, investigation of noted areas of concern and others that may be identified, data analysis, a site investigation report and remedial action options report. The work will involve investigation of all hazardous materials at the site. Although a Phase I and Phase II Site Assessment have been prepared, consultants immediately identified the need for a more thorough site assessment. The Site Assessment must be completed in order to define remedial options and ultimately create a redevelopment plan.

The project is consistent with the Milwaukee Land Use plan for the Menomonee Valley which envisions a remediated and redeveloped Valley with a mix of entertainment and industry. Milwaukee’s Comprehensive Plan, Menomonee Valley, touts the accomplishments to date in the

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<sup>9</sup> [http://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/planning/plans/Menomonee-Valley/MV2.0Exec\\_Sum1.pdf](http://city.milwaukee.gov/ImageLibrary/Groups/cityDCD/planning/plans/Menomonee-Valley/MV2.0Exec_Sum1.pdf)



Valley as well as the need for further redesign and development.<sup>10</sup> Importantly, the Menomonee Valley Partners, a nonprofit organization created to promote Valley redevelopment and sustainability, will be a partner of FCPC in this process. MVP's values mirror FCPC's in that both organizations seek to encourage economic, ecological and social equity initiatives within the Valley.

Perhaps most important is FCPC's focus on sustainable re-use and the incorporation of site specific green energy options. MVP, the City of Milwaukee, and others have noted the importance of sustainable re-industrialization in the Valley.<sup>11</sup> FCPC's green building initiative requires future buildings to be designed and built to Leadership in Energy and Environmental Design (LEED) standards. Additionally, FCPC's energy initiatives require consideration of on-site, green energy production with new buildings. FCPC currently operates a 2 MW biodigester immediately to the west of the property and recently installed nearly 1 MW of solar at various Tribally owned sites. FCPC intends to develop the site in a sustainable, green manner and include green energy options within site plans.

In addition to sustainability initiatives for the Valley, the project aligns well with Region 5's Priority, Coordinated Public Funding for Brownfields, specifically site characterization within the Great Lakes Areas of Concern. FCPC's Site lies within the Milwaukee Estuary, an area of concern for the Great Lakes. Much like the Site itself, the Estuary has been impacted by historical fill, a condensed area of manufacturing and industry, unregulated historical activities and transportation through the Valley.

The Site activities will dovetail with the 2015 Area Wide Planning Grant EPA awarded to the Redevelopment Authority of the City of Milwaukee intended to develop plans for sustainable infrastructure redevelopment along the Lake Michigan waterfront. Additionally, the proposed grant would build on a history of grants to help improve the Valley. For example, the City of Milwaukee used funds from the EPA Brownfields Redevelopment Pilot Grant to conduct area wide site assessments (2004). FCPC is also applying for a Wisconsin Economic Development Corporation Site Assessment Grant (SAG). Unlike the EPA SAG, the Wisconsin SAG can be used for demolition activities so should allow FCPC to continue work at the Site upon the completion of EPA funded activities.

Site redevelopment will necessarily begin with demolition of the dilapidated structures and remediation. Subsequently, FCPC will stabilize the Site to prevent run-off contamination and direct contact concerns. Building plans have not been finalized but will include the creation of sustainable, green facilities that complement the current FCPC properties. In the event that building plans are not immediately developed, FCPC will create a temporary green space to improve the viewshed until final redevelopment decisions are made.

## **ii. Project Timing**

FCPC intends to complete the grant activities and site investigation in a time period not to exceed one year. Upon being awarded the grant, FCPC will create an RFP and procure a contractor in 6 weeks. Initial suggestions provide a timeframe of approximately 4-7 weeks for

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<sup>10</sup> [http://www.renewthevalley.org/media/mediafile\\_attachments/01/341-valley20preliminarydraft.pdf](http://www.renewthevalley.org/media/mediafile_attachments/01/341-valley20preliminarydraft.pdf)

<sup>11</sup> DeSousa, Christopher, Milwaukee's Menomonee Valley: A Sustainable Re-Industrialization Best Practice (2011).

field work, 6-9 weeks for data analysis and reporting, and 4 weeks for remedial planning. Because this is an aggressive timeframe and there may be secondary sampling events, FCPC has also built in additional months for further sampling and reporting periods. This will ensure that project assessment activities are completed appropriately and accurately.

### **iii. Site Selection**

The Site is approximately six acres located within the Menomonee Valley and is owned by FCPC. Site conditions are discussed previously Section 1.a.iii, above and in the Site Eligibility Threshold Criteria discussion. While contaminants of concern have been identified at the Site, the level of contamination is currently unknown. Previous Phase I and Phase II Site Assessments have indicated certain contaminants in levels exceeding Residual Contaminant Levels and Direct Contact Levels. However, these areas have not been fully defined and the specific extent and nature of the contaminants is unknown.

## **b. Task Descriptions and Budget Table**

### **i. Task Descriptions**

Tasks will include:

- Development of a Site Investigation Work Plan;
- Vapor Intrusion Assessments both beneath the building and in other areas of concern;
- A lead investigation in the area previously identified in sampling undertaken to support the State Application to Build on a Landfill. Sampling of these impacts has not been possible to date because the impacted area was below an existing building without reasonable means of access. Because the buildings are intended to be demolished, there are no longer concerns with building preservation;
- Investigation of the former UST area previously closed by the Department of Commerce. Although closed, Phase II sampling indicated the presence of contaminants along the conveyance path of the old UST. Additional testing along that path and in the area of the former, closed UST will be performed to assess impacts;
- Chlorinated solvents in the Southwest corner of the Property will be assessed. The extent of solvents will be defined;
- Investigation of conditions beneath the existing methane barrier-the methane barrier was found to be damaged during the Crawl Space Cleanout, subsequent sampling and investigation. Further investigation will determine whether contamination exists below the barrier or if problems with the barrier have contributed to contamination;
- Petroleum impacts, as identified in previous studies, will be further investigated to determine if a source is present on the property;
- A groundwater sampling network will be installed to determine the extent and level of groundwater contaminants;
- Data analysis will be performed with the lab results leading to the creation of a site investigation report and finally, a remedial action options report.

## ii. Budget Table

<b>Budget Categories</b>	<b>Site Investigation Work Plan</b>	<b>Field Investigation</b>	<b>Data Analysis and Reports</b>	<b>Remedial Planning</b>	<b>Training or Brownfields Seminar</b>	<b>Total<sup>12</sup></b>
Personnel	\$6,000	\$70,000	\$30,000	\$10,000		\$116,000
Fringe						
Travel					\$1,250	\$1,250
Equipment		(In Contractual)				
Supplies		\$2,000				\$2,000
Contractual		\$55,000				\$55,000
Other					\$750	\$750
<b>Total Budget</b>	<b>\$6,000</b>	<b>\$127,000</b>	<b>\$30,000</b>	<b>\$10,000</b>	<b>\$2,000</b>	<b>\$175,000</b>

### c. Ability to Leverage

FCPC has demonstrated considerable financial leveraging to improve the proposed project site. To date, actual Tribal dollars spent working on the site total \$163,770.73. Additionally, contributions of time and effort by the FCPC Legal Department currently exceed \$25,000, and an additional \$25,000 is expected in future combined departmental time and effort. This combined effort will consist of continued management and support from the FCPC Legal Department, the FCPC-PBC Facilities Director, and security personnel to patrol the Property and maintain safety. Should an assessment grant be awarded, FCPC also anticipates an increase in utility expenses at the Property. Assessment activities may draw additional electricity, increasing the usage and expense. FCPC is prepared to absorb this additional cost. Finally, because of the magnitude and importance of this project, the FCPC Executive Council has resolved, as noted in the attached resolution, to commit additional resources to the proposed project in order to ensure the successful, appropriate, and responsible handling of the Property.

FCPC also anticipates seeking other meaningful funding opportunities to complete the successful assessment and revitalization of the proposed project site. Future opportunities include potential funding from an EPA Brownfields Cleanup Grant, a Wisconsin Site Assessment Grant, and an area-wide grant sponsored by the Menomonee Valley Partners.

Because of the dynamic structure of the organization, FCPC has been able to successfully leverage resources for other environmental goals in the community. This is evidenced by its implementation and management of several environmental projects, including a Department of Energy Community-Scale Clean Energy grant, a Department of Interior Energy and Mineral Development grant, an EPA Great Lakes Restoration Initiative grant, and an EPA Performance Partnership Grant. Many of these grants include leveraging responsibilities, which the Tribe has

<sup>12</sup> It should be noted that these are estimates based on currently available pricing and known areas of contamination requiring analysis. Expenses may change.

responsibly managed. FCPC also draws on the trained expertise and professional resources of multiple departments such as its Land and Natural Resources Department, Legal Department, Grants Department, and Tribal Administration to advance its goals and responsiveness to environmental responsibility. The diverse focus of each of these programs demonstrates FCPC's commitment to developing the resources necessary, both financial and professional, to fully improving all facets of the environment.

### **3. Community Engagement and Partnerships**

#### **a. Plan for involving targeted Community and Other Stakeholders**

##### **i. Community Involvement Plan**

FCPC and the Menomonee Valley Partners (MVP) have a history of working together to benefit the Valley. FCPC's project will be performed within that ongoing relationship and will utilize the existing MVP structure to work with the group and the various community, public, strategic partners and stewardship groups. MVP notes that recent successes in the Valley are the result of community involvement.<sup>13</sup> The structure for that involvement is proven and MVP is a trusted community member. Interfacing with MVP will help the Tribe disseminate information and ensure that community concerns are considered throughout the process. The Tribe will communicate progress on the assessment by providing information related to findings and areas of concern, cleanup plans and ultimate reuse. It is likely that update information will be provided on the MVP website as well as through channels directed at MVP community partners and stewardship groups. In addition, the Tribe is exploring options for using its own websites to relay information related to the process. Ideally, the Tribe can provide options for community members to provide insight on concerns via a web link. The Tribe will hold an informational meeting for employees and area community members interested in the project.

##### **ii. Communicating Progress**

The Tribe will use both the MVP connection and its own resources to provide relevant information on the Site activities through various forms of media including websites, information boards, community postings and news articles. The Tribe will provide fact sheets on employee boards within the Tribes immediately adjacent enterprises, boards that will reach roughly 3,000 employees. Finally, the Tribe will communicate regularly with leaders of Valley businesses via its Facilities Director, a key project staff person and member of the Business Improvement District Board in the Menomonee Valley. The Tribe will ensure the availability and dissemination of fact sheets and open lines of communication with all of these businesses and employees. FCPC will work with MVP continuously to inform the group of site activities and provide opportunities for continued dialogue.

#### **b. Partnerships with Government Agencies**

##### **i. Local/State/Tribal Environmental Authority**

FCPC's Land and Natural Resources Department will work in conjunction with the Legal Department to ensure adequate oversight of the project. The Tribe's Land and Natural Resources Department employs environmental professionals in fields of water resources, geology, waste, and air monitoring. These individuals will work with the Tribe's environmental attorney to ensure proper analysis and application of law to the process.

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<sup>13</sup> <http://www.renewthevalley.org/partners>

FCPC has previously worked with the Redevelopment Authority of the City of Milwaukee (RACM) and has redeveloped sites formerly obtained by RACM. RACM is an active partner in the Valley, with FCPC and others. FCPC will continue this relationship and make efforts to build on the work of RACM's 2015 Area Wide Planning Grant. In addition, the Tribe will work closely with the State of Wisconsin Department of Natural Resources (WDNR) to ensure proper planning and assessment of areas of concern. Although the Property is Tribally owned, the WDNR is a vital partner to ensure proper handling of hazardous materials and ultimate remediation. FCPC has previously met with WDNR personnel and attorneys to discuss the Site, potential uses for assessment funding, and future development. FCPC will continue to work directly with WDNR personnel members Margaret Brunette, Darsi Foss and Lacey Cochart.

## **ii. Other Relevant Governmental Partnerships**

In addition to specific requirements under the grant itself, FCPC will actively engage with EPA throughout the process. FCPC has a history of cooperation with EPA and works closely with EPA on matters related to the Treatment as State for Clean Air Act and Clean Water Act, NPDES permits, and other permits as necessary for Tribal construction. FCPC has significant relationships within EPA and counts on those relationships to provide sound advice and context for environmental concerns. Additionally, FCPC has been in communication with Region 5 Brownfields Coordinator Matthew Didier. Mr. Didier is extremely familiar with the Valley and has discussed various aspects of this proposal, including the nature of the Site and the comingled nature of hazardous contaminants and petroleum products. FCPC looks forward to continuing work with Mr. Didier.

## **c. Partnerships with Community Organizations**

### **i. Community Organization Description and Role**

As discussed above in Section 3.a.i., FCPC has a good working relationship with the nonprofit organization, Menomonee Valley Partners. MVP is active in promoting sustainable redevelopment in the Valley and has a network in place for community partnerships, disseminating information and encouraging active participation of all Valley stakeholders. FCPC will continue its ongoing relationship with MVP and utilize the platform MVP has developed for community/stakeholder involvement.

### **ii. Letters of Support**

A letter of support from the Menomonee Valley Partners is attached (Attachments B).

## **Project Benefits**

### **a. Health and/or Welfare and Environmental Benefits**

#### **i. Health and/or Welfare Benefits**

As discussed above in Section 1.b., there are a myriad of health and welfare impacts associated with brownfields.<sup>14</sup> Proper assessment, remediation and redevelopment help to alleviate direct contact concerns, atmospheric re-deposition of contaminants, and the impacts of associated hazardous materials on human health. Additionally, because of the condensed nature of former industry within the Valley, the area has an abundance of sites requiring remediation and

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<sup>14</sup> See e.g. An Indicator Framework to Measure Effects of Brownfields Redevelopment on Public Health, Journal of Environmental Health, vol.76, 1 (2013).

redevelopment. As indicated above, redevelopment can have welfare benefits by encouraging business and industry to reinvest in an area. Welfare is also improved with an influx of jobs and associated housing market benefits. The proximity of residential areas to the Valley reinforces the need for Valley redevelopment and improvement. Therefore, direct benefits will include further definition of pollutants, including, potentially, off-site contaminants of concern, which will allow management of these pollutants leading to direct removal from the environment. Importantly, removal of hazardous pollutants from the environment will have an immediate impact on human health by limiting exposure. It is very likely that there will be economic and human welfare benefits as a secondary result of future remediation.

## **ii. Environmental Benefits**

FCPC also expects significant benefits to the environment. The Valley sits directly within the Milwaukee Estuary, which flows to Lake Michigan. Improvements to soil and groundwater within the Valley will lead to direct improvements of ground and surface water quality within the Milwaukee Estuary. By limiting contaminant pathways to ground and surface waters, the Valley sites can help to improve the incidence of sediment contamination within the Milwaukee Estuary. Additionally, re-deposition of contaminants can be curbed by proper assessment and planning. Based on the nature of the Site, proper planning will likely improve the environmental controls at the Site. For example, stormwater runoff may be managed with retention ponds. Additionally, given FCPC's environmental mission, green building and green energy directives, future improvements at the Site are likely to be LEED certified and incorporate green energy.

### **b. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse**

Beneficial impacts of remediation and reuse of brownfields sites go beyond the reduction of exposure risks. Brownfields redevelopment can reduce impacts associated with greenfield development. For example, studies have found that 4.5 acres of greenspace would be necessary to accommodate the same building space made available by the development of a 1 acre brownfield.<sup>15</sup> Arguably, the existing density and infrastructure in brownfields areas provides some land use benefit to reuse scenarios. Similarly, use of brownfields has been found to reduce air emissions. A 2001 study found that VOCs emissions were 36% lower, and NOX were 40% lower at brownfield sites (post development) than at greenfield sites primarily due to lower vehicle miles traveled.<sup>16</sup> Given the close proximity of housing and the tradition of Valley employees living within nearby neighborhoods, decreased emissions are a beneficial effect of assessment, remediation and redevelopment as opposed to greenfield construction.

### **c. Economic and Community Benefits (long-term benefits) and Job Creation Potential**

The benefits of brownfields redevelopment extend beyond the environmental benefits, the remediation of contamination. Bringing the Site into active use not only compels environmental improvement but increases property values, creates jobs, and can be the impetus for a "ripple effect" –encouraging nearby investment and returning additional properties to the tax rolls and beneficial use. Albeit somewhat dated, surveys from the 2006 U.S. Mayor's Conference indicate that every dollar spent on brownfields generates a return of at least \$3.8 in additional development. Perhaps most important from a social perspective, there has been suggestion that

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<sup>15</sup> Jin, Zhong (2013) Iowa's Redevelopment Tax Credit Tax Credits Program Evaluation Study," Iowa Department of Revenue

<sup>16</sup> *Id.*

brownfields impair the livability of an area and can be directly related to crime. A livable and workable community is free from dilapidation and encourages further growth and development.

Notably, a previous Milwaukee study has found that redevelopment of brownfields has led very tangible effects for the Milwaukee area. For example, it has been found that a new job is created for every \$10,000 -13,000 spent on brownfield remediation. Nearby property values in housing markets have been found to increase as a result of the brownfield improvement along by at least 11.4%.<sup>17</sup> This increase does not take into consideration subsequent changes in value as the neighborhood improves-the ripple effect. Thus, the benefit is arguably more substantial. One particularly relevant Wisconsin example is from the west end of the Menomonee Valley. The former Real Estate Recycling site, a bankrupt former foundry, was valued at \$1.5 million at the time of purchase, had delinquent property taxes and did not support any jobs. After significant cleanup efforts, a combination of state funds and private investment the space is now valued at \$13 million and supports 400 high-paying jobs. The property taxes are over \$400,000 a year.

#### **4. Programmatic Capability and Past Performance**

##### **a. Programmatic Capability**

As noted in section 2.c, FCPC has a dynamic organizational capacity, making it uniquely capable of successfully executing program activities and funding. FCPC is comprised of multiple, inter-dependent entities, all of which are overseen by the FCPC Executive Council. This inter-dependence ensures that while each entity maintains and executes specific responsibilities, they also adhere to the goals and responsibilities of the whole of the Tribal government. Among these departments are FCPC Legal, FCPC Finance, and FCPC Tribal Administration.

FCPC Legal, with assistance from the FCPC Grants Department, a service provided under the direction of Tribal Administration, will be instrumental in overseeing the completion of the technical requirements of the proposed project. This will include, but is not limited to, monitoring grant management activities and submitting appropriate post-award reports. FCPC Finance will be utilized to ensure that the expenditure of grant funds and any required financial reporting is completed efficiently and in accordance with Federal and funder requirements and deadlines. FCPC-PBC Facilities Management and Security will assist with onsite activities, such as safety and surveillance, interfacing with consultants, and patrolling the internal buildings.

From these entities, key staff members have been identified and will be utilized to maximize the success of the project. FCPC Attorney Sara M. Drescher will serve as the Project Director. Ms. Drescher is a solutions-focused Attorney and PhD candidate with over fifteen years of experience in all matters related to environmental and energy law, remediation and redevelopment matters, energy installations, grant applications and administration, water resources law, and compliance. Her background in Environmental Studies, emphases in Water Resources, Environmental Review, Land Use, and Environmental Management more than qualifies her for the many duties that serving as the Project Director will entail. Among her duties, Ms. Drescher will be responsible for overall grant administration. This includes timely submission of reports, management and monitoring of on-site activities through communication and collaboration with consultants, and maintaining communication with EPA officials regarding

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<sup>17</sup>Frank, Nancy. "Wisconsin Brownfields Study Group." *Benefits of Public Investment in Brownfield Cleanup and Redevelopment*. Economic Impact Subcommittee, August, 2014.

project progress or challenges. Additionally, Ms. Drescher will interface as needed with state and local agencies to review and analyze site findings, as well as manage all time-based activities. Ms. Drescher will be supported in her role by the FCPC Grants Department, which will provide technical assistance on post-award reports.

The FCPC-PBC Facilities Director Dave Brien will also play an important on-site role in ensuring that project activities are completed in an efficient, responsible manner. Mr. Brien has served as Potawatomi Bingo Casino's Facilities Director since 2004, and he is a member of the Business Improvement District Board in the Menomonee Valley. He has more than 25 years of experience in facilities engineering, and he has an extensive background in energy management, construction management, strategic planning, and budgeting. His efforts in overseeing the construction of the FCP Casino and Hotel, as well as managing a number of green initiatives that have contributed to the overall efficiency and sustainability of the property define his expertise and qualifications for the tasks he'll undertake in the proposed brownfields assessment role. Tasks assigned to this role include interfacing with consultants regarding the progress and/or challenges encountered during the project period, document review, Site planning, and serving in a support role to Ms. Drescher.

FCPC also recognizes the need for additional expertise and resources to realize the goals of the proposed project. Outside consultants will be secured through appropriate FCPC procurement channels and in accordance with federal requirements to perform the site assessment, analyze the data, and provide FCPC with a list of options for remedial action. FCPC also expects the selected contractor or consultant to sub-contract with an outside laboratory to analyze samples from the project site. Finally, FCPC will utilize the support and expertise of the Menomonee Valley Partners to determine the best steps in the future redevelopment of the property so as to meet the economic, health, and social needs of the community. FCPC has an established and respected partnership with the Menomonee Valley Partners and will draw upon its resources to benefit the proposed project.

#### **b. Audit Findings**

The Forest County Potawatomi Community has not received any adverse audit findings.

#### **c. Past Performance and Accomplishments**

##### **i. Currently or Has Ever Received an EPA Brownfields Grant**

The Forest County Potawatomi Community is a past recipient of an EPA Brownfields Assessment Grant. Cooperative Agreement RP96510701 was awarded to FCPC in 2003. The original project period was scheduled from 10/01/2003 to 9/30/2005. EPA granted a request for a no-cost time extension to 12/31/2005, which allowed FCPC to appropriately complete all project tasks and activities outlined in the agreed work plan, expend all of the grant funds, and file all necessary reports. As noted in the final report, the project enabled FCPC to develop and implement a Site Response Program by accomplishing the following elements:

- Survey, marking of boundaries, and inventory of Tribal properties in Forest County;
- Development of Oversight and Enforcement Mechanisms;
- Provision of mechanisms and resources for meaningful public participation;
- Development of mechanisms for verification and certification of cleanup activities;
- Development of brownfields-related ordinances;



- Development and installation of a communication system to assist FCPC Land and Natural Resources staff in reporting of potential dump sites;
- Development of protocol for approving remedial plans, evaluating remedial actions, and certifying site closure;
- Development of a geospatial database to geo-reference layers of information including aerial photographs, topographic maps, soil, geology, surface water, groundwater and wetlands, and outlines of each Tribal property in Forest County.

During the above-mentioned extended project period, FCPC applied for and was awarded a second EPA grant to continue its work in brownfields assessment and development. Cooperative Agreement RP96510702 was awarded, with the project period of 1/01/2006 to 12/31/2006. The timeframe for the completion of Cooperative Agreement RP96510701 overlapped with the timeframe for application submission for Cooperative Agreement RP96510702. During that window of time, FCPC re-evaluated its brownfields program based on the results and findings of RP96510701 and determined that focus should be shifted to *prevention* of brownfields through proper disposal of waste. FCPC began the process of hiring a Waste Management Specialist to act as the lead technical advisor for solid waste, recycling, household hazardous waste, and electronic waste programs. Because these activities did not correlate with the allowable costs for EPA Brownfields Assessment funding, FCPC immediately terminated RP96510702, returning the full award to the funder.

FCPC has maintained a positive and productive relationship with the EPA by completing and submitting timely quarterly and technical reports, as well as ongoing reports on subsequent EPA grant awards.

### Appendix 3 Regional Priorities Form/Other Factors Checklist

Name of Applicant: Forest County Potawatomi Community

#### ***Regional Priorities Other Factor***

If your proposed Brownfields Assessment project will advance the regional priority(ies) identified in Section I.E, please indicate the regional priority(ies) and the page number(s) for where the information can be found within your 15-page narrative. Only address the priority(ies) for the region in which your project is located. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal, it will not be considered during the selection process.

Regional Priority Title(s):

Coordinated Public Funding for Brownfields

Page Number(s): 1, 3, 5, 9

#### ***Assessment Other Factors Checklist***

Please identify (with an **X**) which, if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

<b>Other Factor</b>	<b>Page #</b>
<i>None of the Other Factors are applicable.</i>	
Community population is 10,000 or less.	
Applicant is, or will assist, a federally recognized Indian tribe or United States territory.	1, 3
Targeted brownfield sites are impacted by mine-scarred land.	
Project is primarily focusing on Phase II assessments.	
Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation.	9
Recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	5

<p>Applicant is one of the 24 recipients, or a core partner/implementation strategy party, of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, <b>applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation</b> which demonstrate either designation as one of the 24 recipients, or relevant pages from a recipient’s IMCP proposal which lists/describes the core partners and implementation strategy parties.</p>	
<p>Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, <b>applicant must attach documentation.</b></p>	
<p>Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.</p>	



November 28, 2016

Sara M. Drescher  
Forest County Potawatomi Community  
313 North 13<sup>th</sup> Street  
Milwaukee, WI 53233

**Subject: State Acknowledgement Letter for the Forest County Potawatomi Community's application for a \$175,000 U.S. EPA Assessment Grant**

Dear Ms. Drescher:

The Wisconsin Department of Natural Resources (DNR) acknowledges the application of the Forest County Potawatomi Community for U.S. Environmental Protection Agency Brownfield Grant funds identified above.

The Wisconsin DNR is fully committed to a collaborative partnership with the Forest County Potawatomi Community, and will support your brownfield assessment and remediation efforts in many ways, including:

- The Wisconsin DNR can identify key state and federal contacts for your specific project and coordinate Green Team meetings with these individuals, in your community, to answer questions and discuss local plans, options and best practices.
- The Wisconsin DNR can assist you in identifying and obtaining additional financial assistance from state-managed grant and loan programs.

Obtaining EPA funding for this grant application is consistent with community needs, vital to the local economy and will help bring needed improvements to the quality of life for residents. Federal funding will also help initiate cleanup activities, create jobs and leverage local investments in brownfield redevelopment.

Sincerely,

Darsi Foss, Director  
Bureau for Remediation and Redevelopment  
Wisconsin Department of Natural Resources

Copy: Margaret Brunette – DNR SER

## List of Attachments

### Forest County Potawatomi Community FY17 Brownfields Assessment Grant Application

i) Cover Letter, Regional Priorities Form, and Letter from the State Environmental Authority

ii) Project Narrative:

- 1) Project Description
- 2) Threshold Eligibility Documentation – As documented in the attached Brownfields Site Eligibility and Property Ownership form, the proposed site is eligible to participate in the program. See details in *Attachment A*.
- 3) Letters of Commitment - *Attachment B*
- 4) Documentation of Leveraged Funds – FCPC has included a Tribal Resolution to demonstrate its commitment to leverage for this project. See details in *Attachment C*.

iii) Documentation of threshold criteria

- 1) Documentation of applicant eligibility if other: *Not Applicable*
- 2) Letters of commitment from assessment coalition members: *Not Applicable*
- 3) Property-Specific Determination for Eligibility: *Not Applicable*
- 4) Petroleum eligibility determination information: *Not Applicable*
- 5) Justification for requested waiver over \$200,000: *Not Applicable*

Attachment A  
Threshold Criteria  
FY17 EPA Brownfields Assessment Grant Proposal  
Forest County Potawatomi Community

**Threshold Criteria for Assessment Grant**

**1. Applicant Eligibility:**

The Forest County Potawatomi Community (FCPC) is a federally-recognized tribe and eligible to apply for Brownfields Assessment from the EPA Brownfields Grant Program.

**2. Community Involvement:**

FCPC will include multiple platforms for community involvement on the assessment project. To start, the Tribe will hold face-to-face informational meetings for employees and community members in order to provide project details, as well as an outlet to share ideas and express concerns. However, FCPC members live throughout the state and may not be able to attend informational meetings. Accordingly, the Tribe is exploring options of using its website to relay information related to the project, as well as progress on the assessment, cleanup plans, and ultimate reuse plans. The website will not only be an informational resource, but also a means of offering a web link specific to the Brownfields Assessment project where members can digitally take part in expressing ideas and concerns. Though the majority of the community speaks English, information at meetings and on the website will be translated to accommodate any special needs, as needed.

In addition to individual employee and community member involvement, FCPC will utilize its partnership with Menomonee Valley Partners (MVP) to encourage public interaction. FCPC will use the MVP structure to work with various public, strategic partners and stewardship groups, and then interface with MVP to disseminate information collected from these groups. In turn, that information will be used to ensure that community concerns are considered throughout the process.

**3. Site and Property Ownership Eligibility:**

a. Basic Site Information

The Forest County Potawatomi Community (FCPC) is a federally recognized Indian Tribe with over 1,400 members, organized under a Constitution adopted June 5, 1982. The Tribe's reservation is located in Forest County, Wisconsin. In addition the Tribe has both trust and fee lands near Campbellsport, WI and in Milwaukee, WI. Several of the Milwaukee properties owned by the Tribe are located in an area known as the Menomonee Valley, an area of ancestral Potawatomi lands. The Tribe is an eligible entity under the grant requirements.

The site is the Cargill Meat Processing Facility (Site), 1901-1915 West Canal Street, Milwaukee, WI 53233, owned by Forest County Potawatomi Community.

b. Status and History of Contamination at the Site

The Site was a meat processing facility for over 70 years and was closed in 2014; it remains vacant. The Site was purchased by the Forest County Potawatomi Community on May 19, 2015. FCPC keeps the Site fenced and actively monitors the Site to ensure that access is limited. Site activities included meat processing and ancillary business services. The Site had several building configurations housing a variety of processes. Historically, there were two railroad spurs on site and a machine/automobile repair facility.

There is information indicating both petroleum and hazardous substances at the Site. A Phase I and Phase II Site Assessment have identified areas of concern related to historic Site use, unregulated fill and nearby contributing factors. In general, remnants of oil, grease, solvents, degreasers, gasoline, diesel fuel, kerosene and inorganic constituents (metals) were identified in Phase II environmental samples collected from the Site. Soil is the primarily affected media and may require proper handling in accordance with solid and/or hazardous waste regulations. Volatile Organic Compounds (VOCs) exceedances for groundwater residual contaminant levels (benzene and naphthalene) were reported for two samples, and Vinyl Chloride and Trichloropropane were found in one.

Polynuclear aromatic hydrocarbons (PAHs) are pervasive across the site. The contaminants of concern were Benzo (a) anthracene, Benzo (a) pyrene, Benzo (b) flouranthene, Indeno (1,2,3-cd) pyrene and Dibenz (a,h) anthracene. These constituents are typically found together and may be formed as a byproduct of incomplete burning of organic items such as coal, wood, gasoline, garbage or animal and plant materials. These constituents are pervasive across the Valley. The PAHs are most likely linked to the coal piles that were formerly located to the north of the Site as well as a coking operation across from the Site. PAHs were also identified in groundwater samples.

Metals were also detected in samples across the Site. The most common were arsenic, cadmium, lead and mercury. Based on information associated with historical Site documents, some lead may be associated with a closed Underground Storage Tank (UST), and a “No Further Action” letter was issued by the Wisconsin Department of Commerce PECFA program on May 6, 2009. Additionally, a Request for Exemption to Construct on Abandoned Landfill (2004) indicated that lead was detected in a soil sample and may need to be managed as hazardous waste depending on future development. Metals were also identified in groundwater samples.

#### c. Sites Ineligible for Funding

The site is not:

- Listed or proposed for listing on the National Priorities List;
- Subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
- Subject to the jurisdiction, custody, or control of the U.S. government.

#### d. Sites Requiring a Property-Specific Determination

The Site is not in need of a Property Specific Determination based on RCRA, TSCA or other applicable laws.

## **Property Ownership Eligibility-Hazardous Substance Sites:**

### **e. CERCLA §107 Liability**

The Forest County Potawatomi Community is not liable for contamination at the site under CERCLA §107, even as the current owner of the site, because FCPC is a Bona Fide Perspective Purchaser (BFPP) consistent with CERCLA §101(35)(A). FCPC complied with federal All Appropriate Inquiry standards under 40 CFR Part 312 prior to acquiring the property. A Phase I and Phase II Site Assessment was performed indicating that all disposals at the site occurred prior to FCPC acquiring it. FCPC is not liable for contamination at the site or otherwise affiliated with a liable party. The purchase of the property closed on May 19 and the Phase I Site Assessment is current, dated March 30, 2015. The Phase I Site Assessment was prepared in conformance with ASTM standards by a reputable contractor. FCPC continues to restrict access to the site with fencing and otherwise has worked to prevent releases and exposures through limited site access, run-off control and proper planning. There are currently no notices required or land use restrictions in place associated with response actions.

Additionally, according to *Fiscal Year 2017 Frequently Asked Questions for Brownfields Assessment, Revolving Loan Funds and Cleanup Grants*<sup>1</sup>, Question D.2 indicates that EPA does not consider tribes to be liable as PRPs under CERCLA and they are not subject to the CERCLA statutory prohibition. FCPC has discussed this with Matthew Didier, Region 5 Regional Brownfields Contact and believes that both the Tribe and the property are eligible under the assessment grant program.

### **f. Enforcement or Other Actions**

There are currently no known, ongoing or anticipated enforcement actions related to the site.

### **g. Information on Liability and Defenses/Protections Where Applicant Does NOT Own the Site does not apply for this application.**

### **h. Information on Liability and Defenses/Protections Where Applicant Owns the Site or Will Own the Site During the Performance of the Grant**

FCPC purchased the property on May 19, 2015, from Cargill Meat Solutions Corporation (Cargill). FCPC does not have any affiliations, familial, financial, corporate or otherwise, with Cargill outside of the purchase.

All of the hazardous substance disposal activities at the site occurred prior to purchase and FCPC did not, in any way, contribute to any release at the Site. At no time has FCPC arranged for disposal at the site or transported hazardous materials to the site.

A Phase I Site Assessment was commissioned by FCPC for the property and completed on March 30, 2015. A Phase II Site Assessment was commissioned by FCPC for the property and completed on April 24, 2013. The Assessments were performed to ASTM standards by aeg,

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<sup>1</sup> [https://www.epa.gov/sites/production/files/2016-08/documents/fy17\\_faqs.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/fy17_faqs.pdf)



Avantti Environmental Group. Christine A Reese, P.G. and Mark A. Rutkowski, P.G. provided prepared the assessments and provided attestations that they qualify as environmental professionals.

The site is not currently used by FCPC for active purposes. FCPC intends to fully assess the site and develop any necessary remediation plans prior to use in order to protect human health and the surrounding environment.

FCPC has taken, and continues to take, a number of steps at the site to prevent releases and limit exposure. The Site is fully fenced with access through locked gates only. The Site is monitored by camera and security personnel and access is limited to only limited personnel for purposes of planning. The Site previously had a crawl space with a floor drain. The crawl space was full of fats, oils and grease. FCPC had the crawl space cleaned out to limit any further release and required much of the equipment to be removed from the property as a component of purchase. All chemicals, cleaning supplies and other potentially hazardous materials were removed from the site, and FCPC has performed an asbestos and lead survey. FCPC will comply with all land use restrictions and institutional controls, assist those performing assessments, and provide access to the property. FCPC also commits to comply with all information requests that may be issued so long as they recognize and are consistent with Tribal Sovereignty, and FCPC will also provide necessary notices as a result of the assessment.



Department of City Development

City Plan Commission  
Neighborhood Improvement  
Development Corporation  
Redevelopment Authority

**Rocky Marcoux**  
Commissioner

**Martha L. Brown**  
Deputy Commissioner

December 1, 2016

Ms. Sara M. Drescher  
Forest County Potawatomi Community  
313 N. 13<sup>th</sup> Street  
Milwaukee, WI 53233

Dear Ms. Drescher:

On behalf of the Redevelopment Authority of the City of Milwaukee, I am pleased to provide this letter to the Forest County Potawatomi Community (FCPC) in support of your organization's application for FY 2017 U.S. EPA Brownfields Assessment funding. I understand the funds would be used to help further the vision of FCPC by transforming the area adjacent to your current facility but also positively revitalizing the surrounding neighborhood with a particular focus on economic development and job creation.

As you are aware, the mission of our organization is to remove blight and improve the quality of life in Milwaukee by guiding and promoting developments that create jobs, build wealth and strengthen the urban environment. Much of this is accomplished by respecting the three tenets of sustainability, notably equity, economy, and ecology. The FCPC also believes in the notion of sustainability which is why the partnership between our organizations has worked exceptionally well in the Menomonee River Valley over the past 25 years. This partnership has resulted in reactivating blighted property and in improving the quality of life for thousands of City residents who work and play in the Valley. The investment that FCPC has made in this area of the City has been truly remarkable and has fostered considerable private investment in surrounding projects in the neighborhood. All of this investment has led to a more sustainable Valley.

The Redevelopment Authority of the City of Milwaukee recognizes the importance of devoting resources to blighted neighborhoods throughout the community to improve the environment and the economy. The award of Brownfield Assessment Funds to the FCPC compliments the continuous improvements that the Redevelopment Authority of the City of Milwaukee seeks throughout Milwaukee with its aggressive Brownfield program. A successful application will be beneficial to the environment and economy of Milwaukee and specifically to the Menomonee River Valley. We wish you luck with your application.

Sincerely,

David P. Misky  
Assistant Executive Director-Secretary  
Redevelopment Authority of the City of Milwaukee



Chair  
Mick Hatch  
*Foley & Lardner LLP*

President  
Bruce Keyes  
*Foley & Lardner LLP*

Vice-President  
Jeff Morgan  
*Allied Insulation Supply  
Company*

Secretary  
Michele Bria, Ph.D.  
*Journey House*

Treasurer  
Pat O'Connor  
*BMO Harris Bank*

Members  
Dave Cieslewicz  
*Wisconsin Bike Fed*

Peter Coffaro  
*Milwaukee Area Workforce  
Investment Board*

Susan Crane  
*We Energies*

Bill Davidson  
*Harley-Davidson Museum*

Angelo Fallucca  
*Palermo Villa, Inc.*

Rodney Ferguson  
*Potawatomi Hotel & Casino*

Laura Goranson  
*g.moxie*

Arturo Hernandez  
*Rexnord*

Shelley Jurewicz  
*FAB Wisconsin*

Ghassan Korban  
*Milwaukee Department of  
Public Works*

Rocky Marcoux  
*Milwaukee Department of  
City Development*

Pat O'Brien  
*Milwaukee 7*

Stephanie Omdoll  
*Potawatomi Business  
Development Corporation*

Julie Penman  
*Penman Consulting*

Sheri Schmit  
*Wisconsin Department of  
Transportation*

Lora Strigens  
*Marquette University*

November 29, 2016

Mr. Jeffrey Crawford  
Forest County Potawatomi Community  
313 North 13th Street  
Milwaukee, WI 53233

RE: Letter of Commitment – Forest County Potawatomi Community EPA Assessment  
Grant Request

Dear Mr. Crawford:

On behalf of Menomonee Valley Partners, Inc. (MVP), I am writing in support of the Forest County Potawatomi Community's (FCPC) request for EPA assessment funds to begin site investigations and planning for the 1901 W Canal St. property in Milwaukee's Menomonee Valley.

Since 1999 MVP has been the public/private partnership facilitating the redevelopment of the 1200-acre Menomonee Valley. Once Wisconsin's most visible eyesore, the Valley has been transformed and is now a national model of economic development and environmental sustainability. Through partnerships with the EPA, City of Milwaukee, FCPC and other partners, more than 300 acres of brownfields have been redeveloped, allowing 40+ new companies to move to the Valley, creating more than 5,000 family-supporting jobs. In addition, brownfield clean-up has led to restoration of the lower Menomonee River, improved wildlife habitat and water quality.

MVP has partnered closely with the FCPC during the past 17 years on many of these transformational efforts, developing a vision for a revitalized Valley, building community support, planning, funding and implementation of the efforts that have brought family-supporting jobs and ecological restoration to a long-neglected part of the city. MVP has partnered with the FCPC in a wide range of brownfield remediation and redevelopment efforts, including the development of Canal Street, which enabled economic development throughout the Valley, restoration efforts along the Menomonee River, and the development of a vacant rail yard into a public park – and MVP is pleased to continue to be a supportive partner in the 1901 W. Canal Street site.

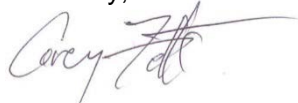
The 1901 W. Canal site, a 6.5-acre vacant and dilapidated former cattle slaughterhouse, is a blight on the surrounding area and its future is of concern to MVP and the greater community. EPA assessment funds would provide necessary resources for the FCPC to investigate the site conditions, develop a remediation plan, and demolish existing structures in order to ultimately bring the site back into productive use.

MVP is committed to continuing our partnership with FCPC through the remediation and redevelopment of this key parcel, and will assist as needed, including through engaging the support of our public and private sector partners for the site's eventual redevelopment.

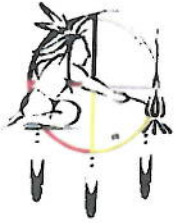
The Forest County Potawatomi Community has been a dedicated partner in implementing the larger vision for the revitalization and sustainability of the Menomonee Valley. We look forward to working together on the continued revitalization of the Menomonee Valley.

Please do not hesitate to contact me at [Corey@RenewTheValley.org](mailto:Corey@RenewTheValley.org) or 414-274-4655 if I may be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Corey Zetts", with a stylized flourish extending from the end.

Corey Zetts  
Executive Director



*Forest County Potawatomi Community*  
*PO Box 340, Elandon, WI 54520*

**POTAWATOMI**  
(Keeper of the Fire)

**EXECUTIVE COUNCIL RESOLUTION # 064-2016**

**WHEREAS**, the Forest County Potawatomi Community is a duly constituted tribal government, in accordance with all the provisions of the Forest County Potawatomi Community Constitution, adopted on June 5, 1982, pursuant to the Indian Reorganization Act of June 18, 1934; AND

**WHEREAS**, the Forest County Potawatomi Community Executive Council, pursuant to the Forest County Community Potawatomi Constitution, Article V, Section 1(a), has the power to consult, negotiate, contract, and conclude agreements on behalf of the Community with Federal, State, or local governments and corporations, associations, legal organizations, or individuals, on matters with the powers contained within Article V or any other powers delegated to the Executive Council by the General Council; AND

**WHEREAS**, the Forest County Potawatomi Community has a strong commitment to the environment and believes that it has a duty to help protect and enhance environmental resources, both on and near the Reservation and throughout the world; AND

**WHEREAS**, the Forest County Potawatomi Community has adopted a Mission Statement that states in part, "We resolve to reduce our own environmental impacts and to take steps to remedy the impacts of others"; AND

**WHEREAS**, the Forest County Potawatomi Community has acquired the property located at 1901 West Canal Street, Milwaukee, Wisconsin, and has moved to propose a brownfield assessment project to the U.S. EPA to determine the potential environmental hazards present at that location; AND

**WHEREAS**, the U.S. Environmental Protection Agency has issued Funding Announcement Number EPA-OSWER-OBLR-15-04, *FY17 Guidelines for Brownfields Assessment Grants* (the "Grant") to assist with assessment of brownfield sites; AND



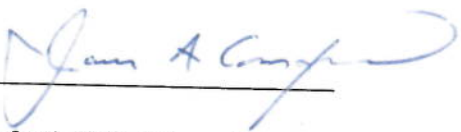
**WHEREAS**, the Grant encourages the leveraging of other sources of funding to assist with assessment expenses; AND

**WHEREAS**, the completion of the proposed brownfield assessment project will further the Forest County Potawatomi's commitment and duty to remedy the impact of others and to help protect and enhance environmental resources on or near Reservation land and throughout the world;

**NOW, THEREFORE BE IT RESOLVED:** that should the Forest County Potawatomi Community be awarded and accept a 2017 U.S. Environmental Protection Agency Brownfields Assessment Grant, the Forest County Potawatomi Executive Council will commit to leverage staff resources for the purpose of assessing the brownfield site located at 1901 West Canal Street, Milwaukee, Wisconsin.

### CERTIFICATION

I, James Crawford, the undersigned Secretary of the Forest County Potawatomi Community do hereby certify that the Executive Council is composed of six (6) members of whom 5 being present constitutes a quorum at a meeting duly called, convened, and held on the 20th day of December, 2016 and that said resolution was duly adopted by an affirmative vote of 4 members for, 0 members against, and 0 members abstaining and that said resolution was not rescinded or amended in any way.



James Crawford, Tribal Secretary  
Forest County Potawatomi Community

## Application for Federal Assistance SF-424

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

12/21/2016

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

\* a. Legal Name:

Forest County Potawatomi Community

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

39-1225059

\* c. Organizational DUNS:

1195585910000

d. Address:

\* Street1:

P.O. Box 340

Street2:

5416 Everybody's Road

\* City:

Crandon

County/Parish:

\* State:

WI: Wisconsin

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code:

54520-0340

e. Organizational Unit:

Department Name:

Division Name:

FCPC Legal Division

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

\* First Name:

Sara

Middle Name:

\* Last Name:

Drescher

Suffix:

Title:

FCPC Brownfields Assessment Project Director

Organizational Affiliation:

\* Telephone Number:

(414) 292-3614

Fax Number:

(414) 847-7721

\* Email:

Sara.Drescher@fcpotawatomi-nsn.gov

## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

### \* 10. Name of Federal Agency:

Environmental Protection Agency

### 11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

### \* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-16-08

\* Title:

FY17 Guidelines for Brownfields Assessment Grants

### 13. Competition Identification Number:

NONE

Title:

### 14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

Forest County Potawatomi Community Brownfields Assessment Project 2017

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments



**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="175,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="175,000.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email: \* Signature of Authorized Representative:  \* Date Signed: